

Exhibit K

U.S. Patent No. 6,581,185			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
1, 7, 9, 10, 12, 14, 15, 17, 20, 21, 23, 27-28	"data stripes"	<p><u>PROPOSED CONSTRUCTION:</u> writable tracks extending lengthwise on a magnetic tape storage medium.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Figs. 1, 2, and 3, and accompanying text; 1:44-64; 2:24-30; 3:33-42; 3:53-61. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • <u>Microsoft Computer Dictionary, 4th Ed., (1999): track n.</u> One of numerous circular data storage areas on a floppy disk or a hard disk, comparable to a groove on a record but not spiral. Tracks, composed of sectors, are recorded on a disk by an operating system during a disk format operation. On other storage media, such as tape, a track runs parallel to the edge of the medium.... • <u>Spencer, Computer Dictionary, 3d Ed. (1992): track (1)</u> Path along which data are recorded on a continuous or rotational medium, such as magnetic tape or magnetic disk. • One or more experts may testify 	<p><u>PROPOSED CONSTRUCTION:</u> Sun contends this term does not require construction because the term is clear on its face.</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • Testimony by Sun's expert, Dr. Gardner, concerning the meaning of this term to one of skill in the art in the context of its use in the '185 patent. • Sun reserves the right to rely on any evidence identified by NetApp.

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		<p>concerning the meaning of this term to one of skill in the art in the context of its use in the '185 patent.</p> <ul style="list-style-type: none"> NetApp reserves the right to rely on any evidence identified by Sun. 	
1, 17, 23	"in an order based on an ordering of slopes"	<p><u>PROPOSED CONSTRUCTION:</u> Determined by the actual physical slope of lines on the two dimensional surface of the magnetic tape storage medium.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> See 1:55-63; 2:58-67; 3:34-42. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> One or more experts may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '185 patent. NetApp reserves the right to rely on any evidence identified by Sun. 	<p>Sun contends this phrase does not require construction because the phrase is clear on its face.</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> Testimony by Sun's expert, Dr. Gardner, concerning the meaning of this term to one of skill in the art in the context of its use in the '185 patent. Sun reserves the right to rely on any evidence identified by NetApp.
1, 5, 17, 20, 21, 23, 24, 27, 28	"correction matrix"	<p><u>PROPOSED CONSTRUCTION:</u> A matrix embodying a two dimensional geometric pattern used to impose a relation between data and parity stored on a magnetic tape storage device for the purpose of reconstructing missing data with an error correction code.</p>	<p>Sun contends this term does not require construction because the term is clear on its face.</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> Testimony by Sun's expert, Dr. Gardner, concerning the meaning of this term to one of skill in the art in the context of its use in the '185 patent.

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		<p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Abstract; Figs. 1, 2, 3, and accompanying text; 1:49-63; 3:53-4:5. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • <u>Microsoft Computer Dictionary, 4th Ed., (1999): matrix n.</u> An arrangement of rows and columns used for organizing related items, such as numbers, dots, spreadsheet cells, or circuit elements. Matrices are used in mathematics for manipulating rectangular sets of numbers. In computing and computer applications, matrices are used for the similar purpose of arranging sets of data in table form, as in spreadsheets and lookup tables. In hardware, matrices of dots are used in creating characters on the screen as well as in print (as by dot-matrix printers). In electronics, matrices of diodes or transistors are used to create networks of logic circuits for purposes such as encoding, decoding, or converting information. • One or more experts may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '185 patent. 	<ul style="list-style-type: none"> • Sun reserves the right to rely on any evidence identified by NetApp.

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6, 7, 23, 26	"cross-parity stripes"	<p><u>PROPOSED CONSTRUCTION:</u> Parity groups constructed from among parity stripes and data stripes so that the actual physical position of the cross-parity stripe is of a line traversing the two dimensional surface of the magnetic tape storage medium.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> See Abstract; Figs. 1, 2, 3, and accompanying text; 1:7-23. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> One or more experts may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '185 patent. NetApp reserves the right to rely on any evidence identified by Sun. 	<p>Sun contends this term does not require construction because the term is clear on its face.</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> Testimony by Sun's expert, Dr. Gardner, concerning the meaning of this term to one of skill in the art in the context of its use in the '185 patent. Sun reserves the right to rely on any evidence identified by NetApp.
7, 9, 12, 14	"a preface and suffix section"	<p><u>PROPOSED CONSTRUCTION:</u> A virtual or actual length of tape whereon all the data are assumed to be a certain value.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> See Figs. 1, 2, 3, and accompanying 	<p>Sun contends this phrase does not require construction because the phrase is clear on its face.</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> Testimony by Sun's expert, Dr. Gardner, concerning the meaning of this term to one of skill in

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		<p>text; 3:1-14.</p> <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • One or more experts may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '185 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p>the art in the context of its use in the '185 patent.</p> <ul style="list-style-type: none"> • Sun reserves the right to rely on any evidence identified by NetApp.